

PUBLIC NOTICE

Issue Date: **September 24, 2008**Comment Deadline: **October 24, 2008**Corps Action ID #: **SAW-200531849**

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation, Project Development and Environmental Analysis Branch, Attention: Dr. Gregory J. Thorpe, Director, seeking Department of the Army authorization to impact 1292 linear feet of stream channel and 2.04 acres of wetland in and adjacent to Bearskin Creek and unnamed tributaries, Dry Fork and unnamed tributaries to Beaverdam Creek associated with the proposed extension of SR 1223 (M.L. King, Jr. Blvd.) from NC 200 (Lancaster Avenue) to SR 1162 (Goldmine Road) west of Monroe, Union County, North Carolina, TIP No. U-3412A, State Project No. 8.2692501.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: North Carolina Department of Transportation

Development and Environmental Analysis Branch

Attn: Dr. Gregory J. Thorpe 1598 Mail Service Center

Raleigh, North Carolina 27699-1598

Authority

The Corps will evaluate this application and a decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The proposed project involves the extension of SR 1223 (M.L. King, Jr. Boulevard) for a distance of approximately 3 miles just west of the city limits of Monroe, North Carolina crossing Dry Fork, Bearskin Creek and unnamed tributaries to Beaverdam Creek. The project is located in central Union County at approximately 34.9935 degrees north latitude and 80.5746 degree west longitude and is in the Yadkin River Basin, Hydrologic Unit 03040105. Most of the project is on new location but portions of the proposed alignment follow Union Academy Road and Walter Bickett School Road. The proposed project also crosses NC 75 (Waxhaw Highway), NC 84 (Weddington Road) and the CSX Railroad.

Existing Site Conditions

The proposed work will extend SR 1233 (M.L. King, Jr. Boulevard) to the south from its intersection with SR 1162 (Goldmine Road) to NC Highway 200 (Lancaster Highway) at the intersection with SR 1158 (Corinth Church Road) a distance of approximately 3 miles. From north to south the new roadway will cross Dry Fork, Bearskin Creek, unnamed tributaries to Bearskin Creek and unnamed tributaries to Beaverdam Creek for a total of 8 stream crossings. Dry Fork and Bearskin Creek are perennial streams with a silt substrate that average approximately 25 feet wide and 3 to 5 feet deep. Both streams have adjacent, scrub shrub and forested wetlands and show evidence of recent beaver activity. The unnamed tributaries in the project area generally have intermittent flow, are 2 to 4 feet wide and less than 1-foot deep and have substrates of silt, sand and gravel. Many of these streams flow through pastureland, have open canopies and show evidence of impacts from cattle. A number of the tributary streams have small (.01 to .03 acre) seepage or riparian wetlands adjacent to them. Site 6 is a multi-acre, scrub shrub/herbaceous wetland that occupies the location of a former borrow site. The Federal Highway Administration (FHWA) and the NC Department of Transportation completed an Environmental Assessment (EA) of the proposed work, designated as TIP No. U-3412A/B on February 1, 2005 and a Finding of No Significant Impact (FONSI) on August 17, 2006. These documents further detail existing site conditions in the project area.

Applicant's Stated Purpose

The purpose of the proposed work is to reduce through and truck traffic and improve safety in the downtown area of Monroe by providing an alternative route connecting US Highway 74 with NC Highways 84, 75 and 200. The proposed work will also facilitate travel on the west site of Monroe.

Project Description

The applicant proposes to extend the existing two lane highway (SR 1223) mostly on new location to the south for a distance of approximately 3 miles. The typical section will have 12foot travel lanes and 8-foot shoulders on both sides of the road. The project will require a rightof-way width of 200 feet and partial control of access (one access per parcel) is proposed. The project will utilize approximately 5000 linear feet of existing roadway (Union Academy Road and Walter Bickett School Road). In order to construct the new roadway, the applicant proposes to discharge dredged or fill material into a total of 1292 linear feet of stream channel and 2.04 Stream channel impacts will result from new culvert acres of wetland at 11 locations. construction or replacement/extension of existing culverts. Channel impacts range from 22 feet at Site 4 (culvert extension) to 335 feet at Site 1 (new construction). Wetlands will be impacted at 8 locations ranging from .01 acres at Site 4 to .55 acres at Sites 6 and 11 (Dry Fork). Temporary stream impacts totaling 79 linear feet will result from temporary cofferdams and stream diversions. Bearskin Creek will be spanned by an approximate 290-foot long bridge. The referenced EA and FONSI provide additional information on project description and impacts. The applicant proposes to mitigate for stream channel and wetland impacts through payment to the NC Ecosystem Enhancement Program at a 2:1 ratio. Plans showing the proposed work are included with this public notice.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260, Attention: Mr. Brian Wrenn by October 24, 2008.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area and examined all information provided by the applicant. The FHWA and the applicant have determined that the proposed work may effect but is not likely to adversely affect the federally endangered Carolina heelsplitter mussel. Consultation under Section 7 of the Endangered Species Act of 1973 between the FHWA and the US Fish and Wildlife Service has been concluded. The FHWA and the applicant have determined that the proposed project will have no effect on any other federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use,

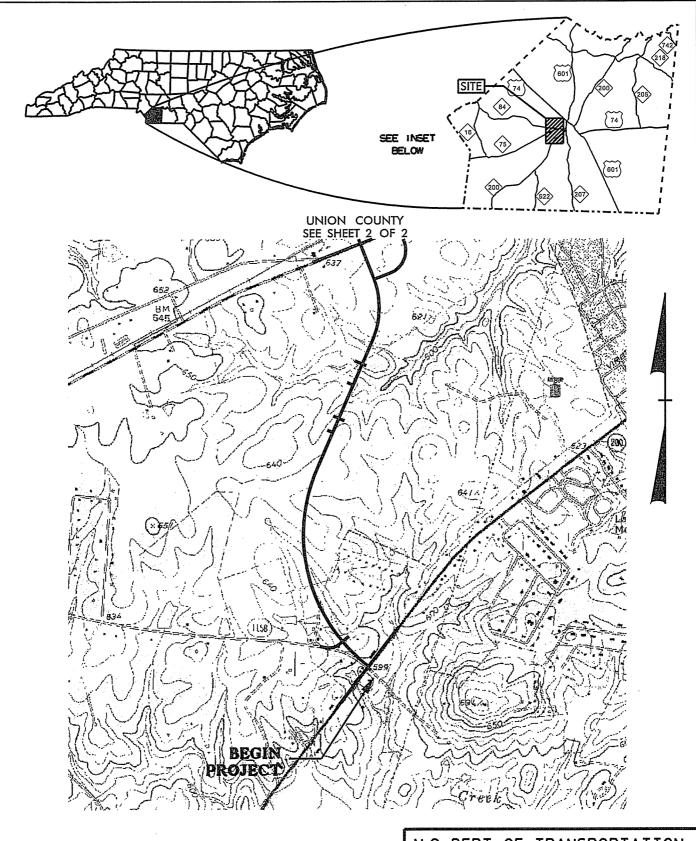
navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 24, 2008. Comments should be submitted to Mr. Steven Lund, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801, telephone (828) 271-7980, extension 223.



WETLAND/STREAM IMPACTS
VICINITY MAP
(1 OF 2)

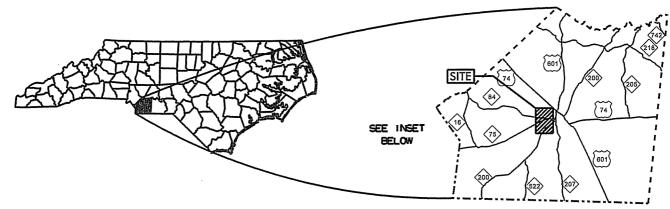
PUBLIC NOTICE SHEET 1 OF 17

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
UNION COUNTY

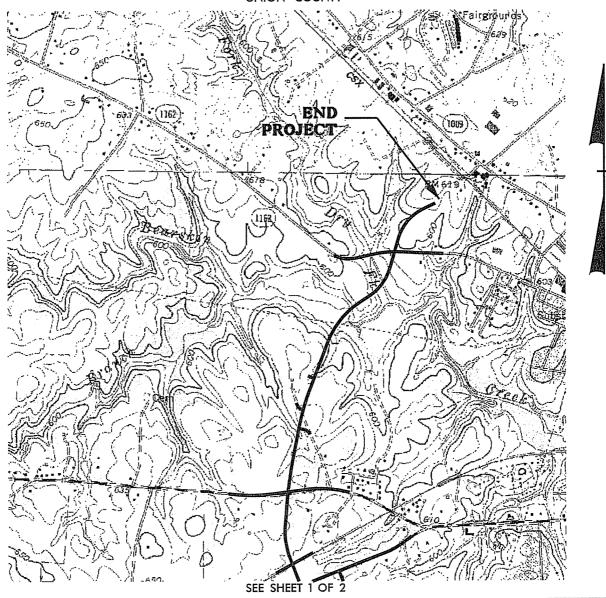
PROJECT: 34938.3.3 (U-3412A) SR 1223 (MLK, JR BOULEVARD) FROM NC 200 (LANCASTER HWY) TO SR 1162 (GOLDMINE RD)

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UNION COUNTY



WETLAND/STREAM IMPACTS
VICINITY MAP
(2 OF 2)

PUBLIC NOTICE SHEET 2 OF 17

N.C. DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS UNION COUNTY

PROJECT: 34938.3.3 (U-3412A)
SR 1223 (MLK, JR BOULEVARD)
FROM NC 200 (LANCASTER HWY)
TO SR 1162 (GOLDMINE RD)
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NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

UNION COUNTY ROJECT: 34983.3.3 (U-3412A) Revised 8/1/2008

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NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

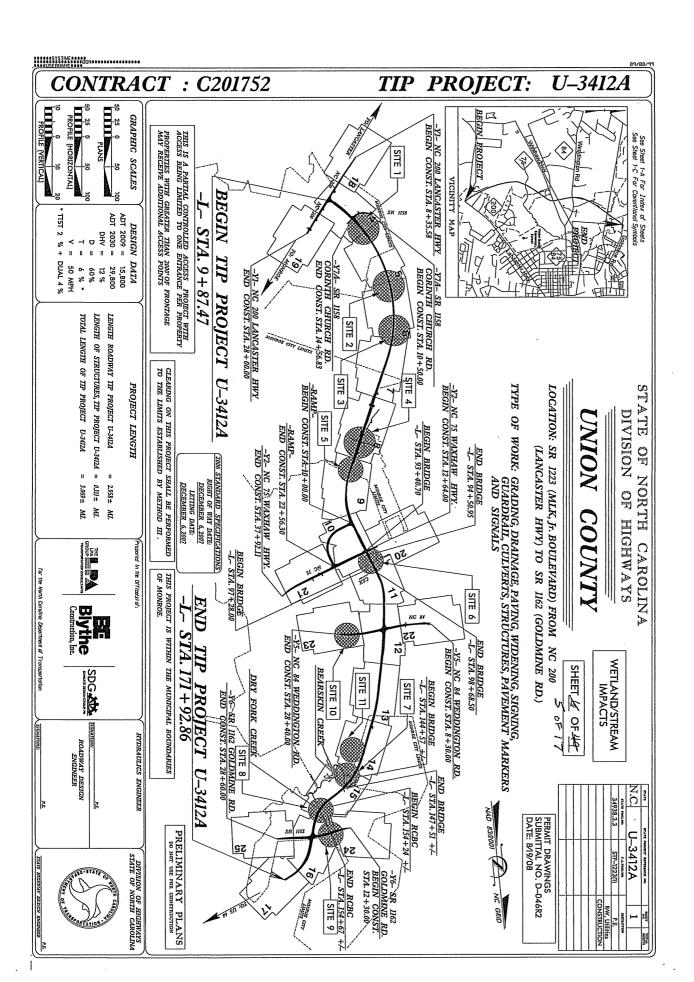
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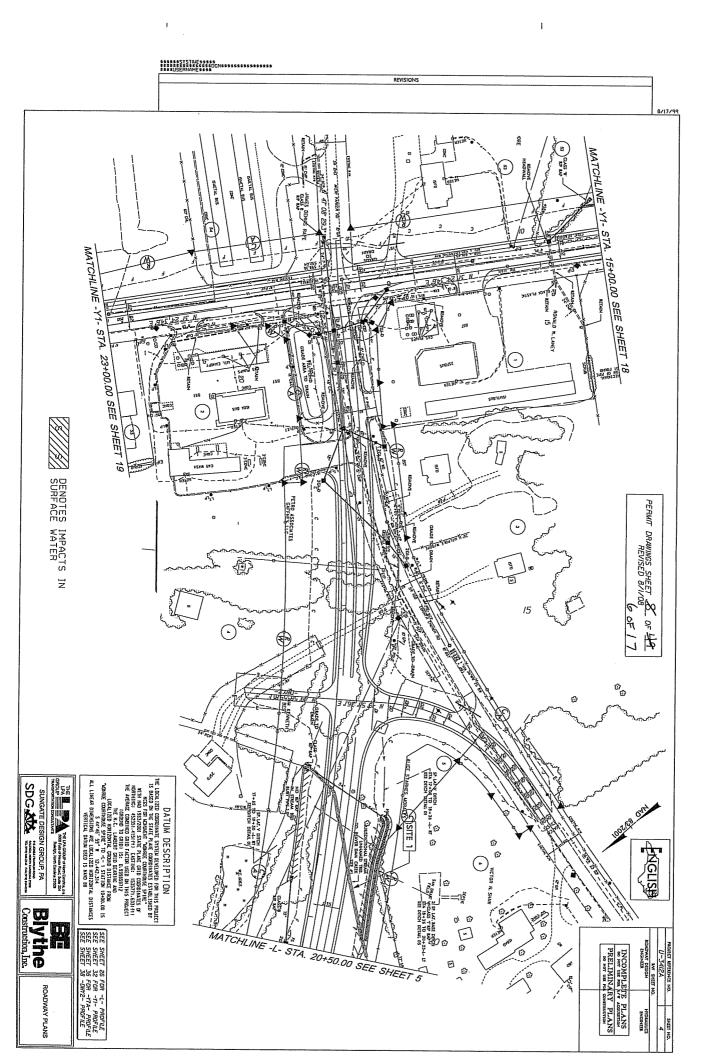
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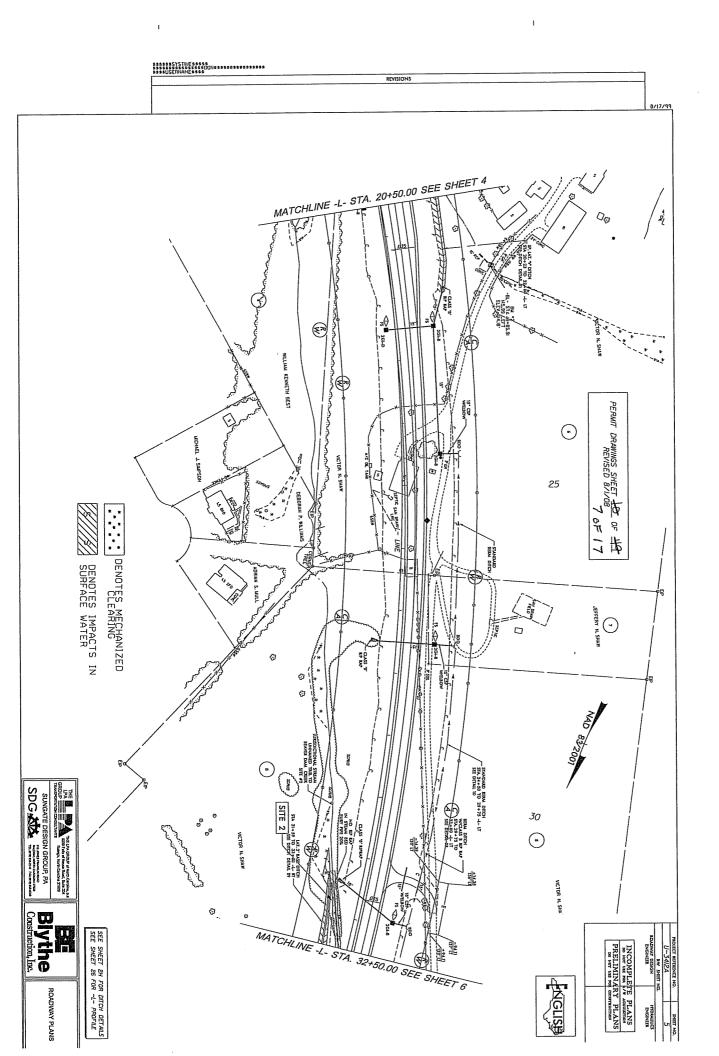
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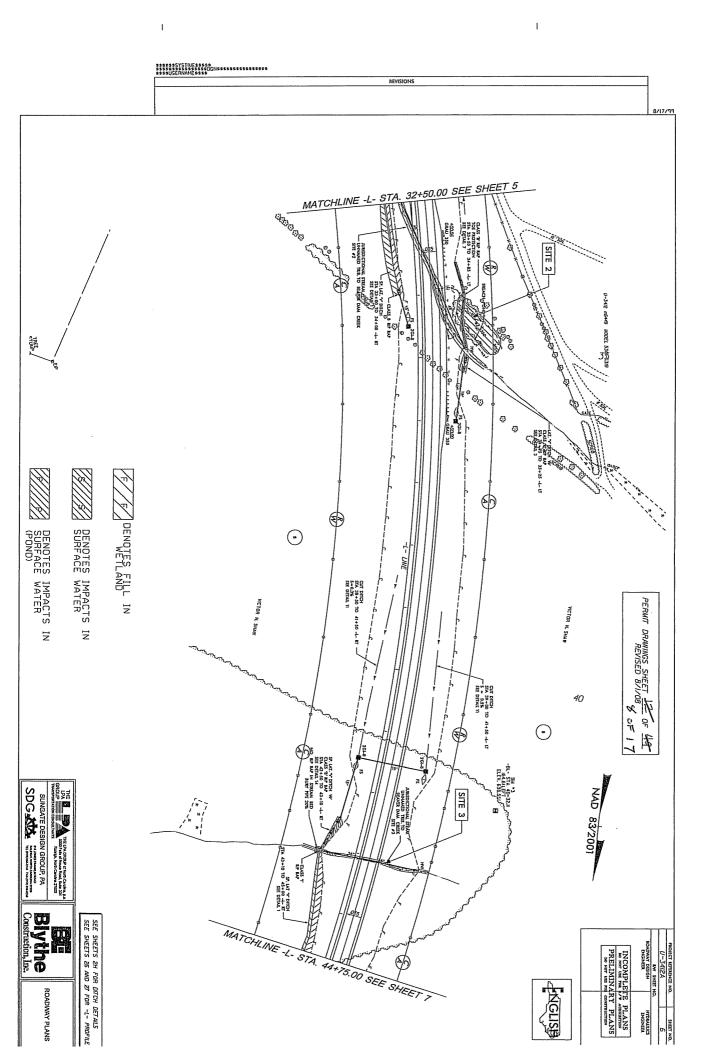
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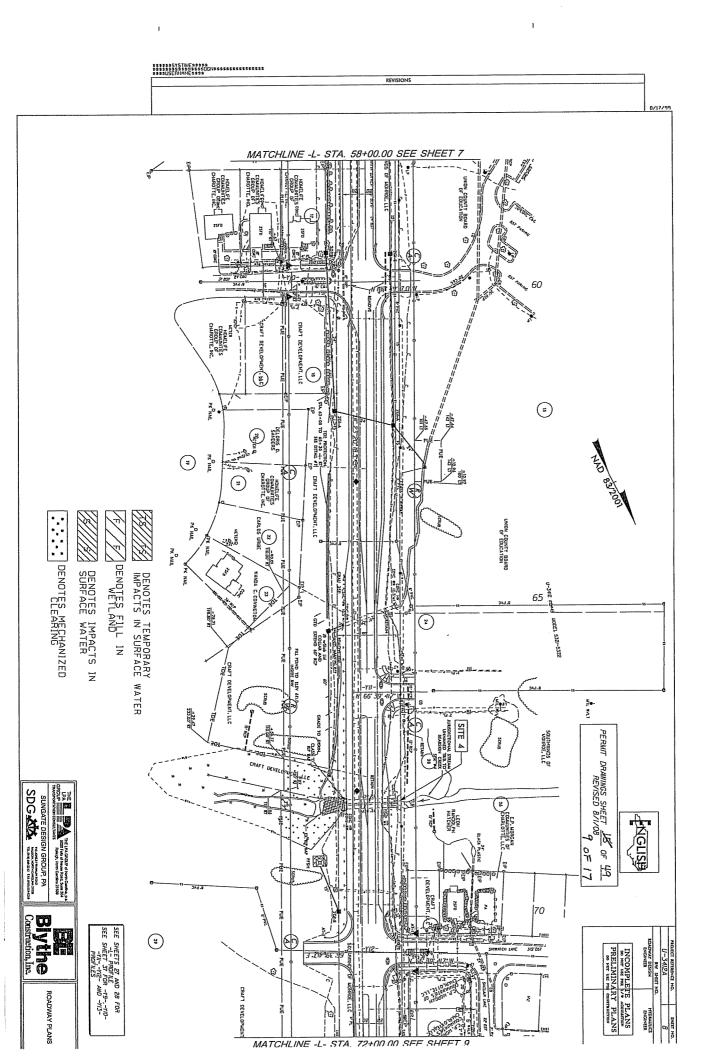
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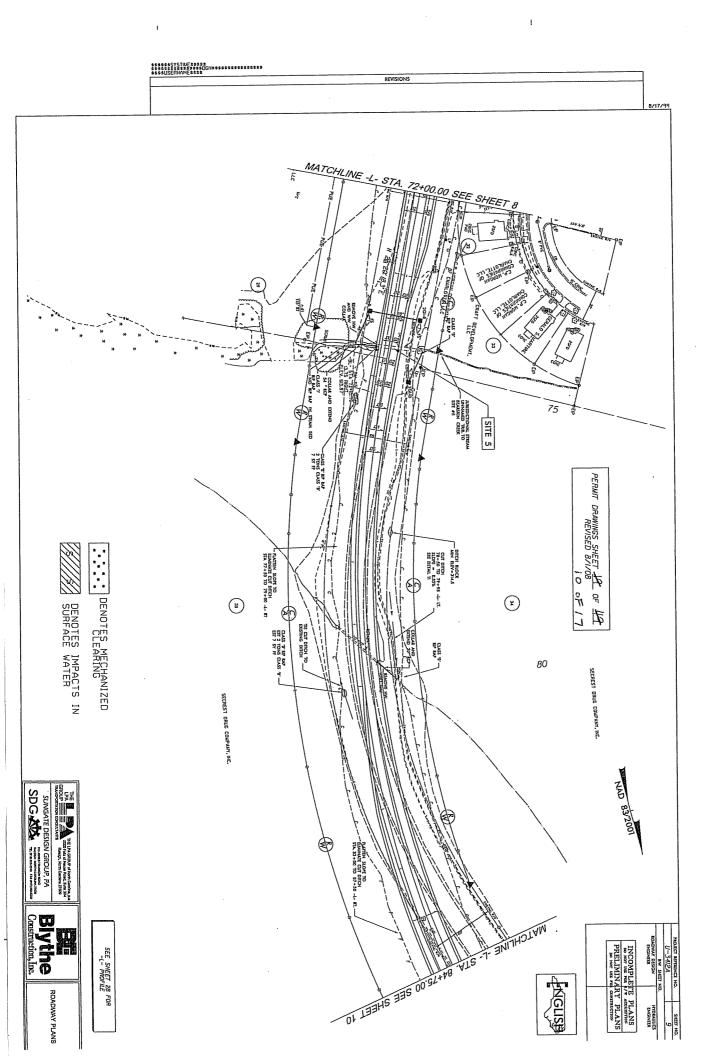


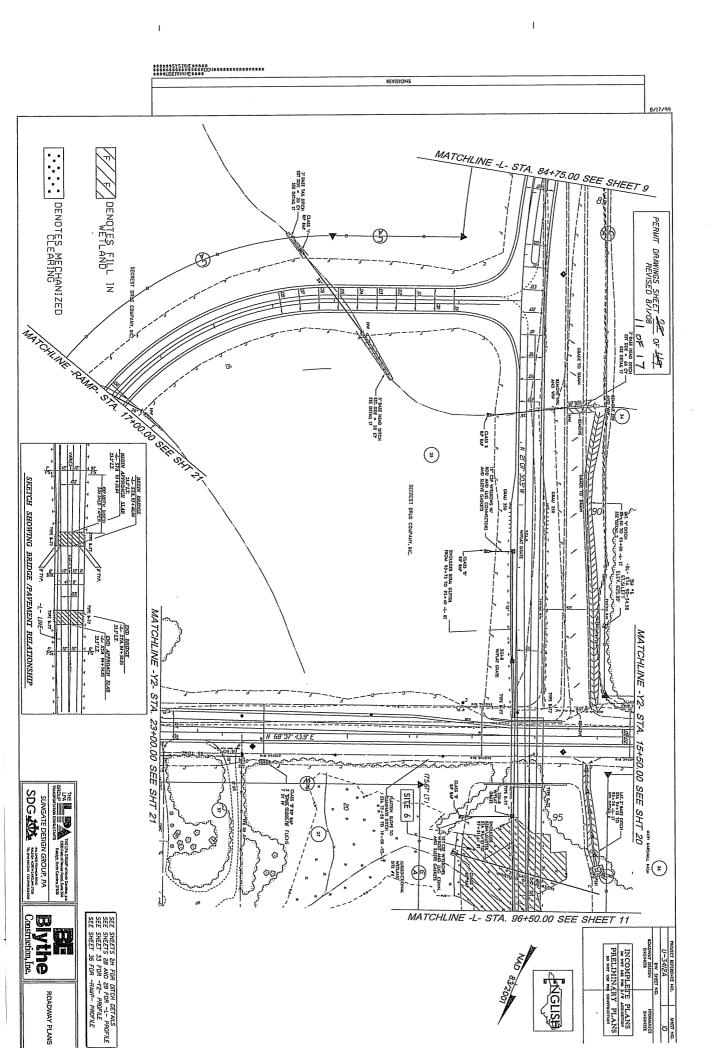


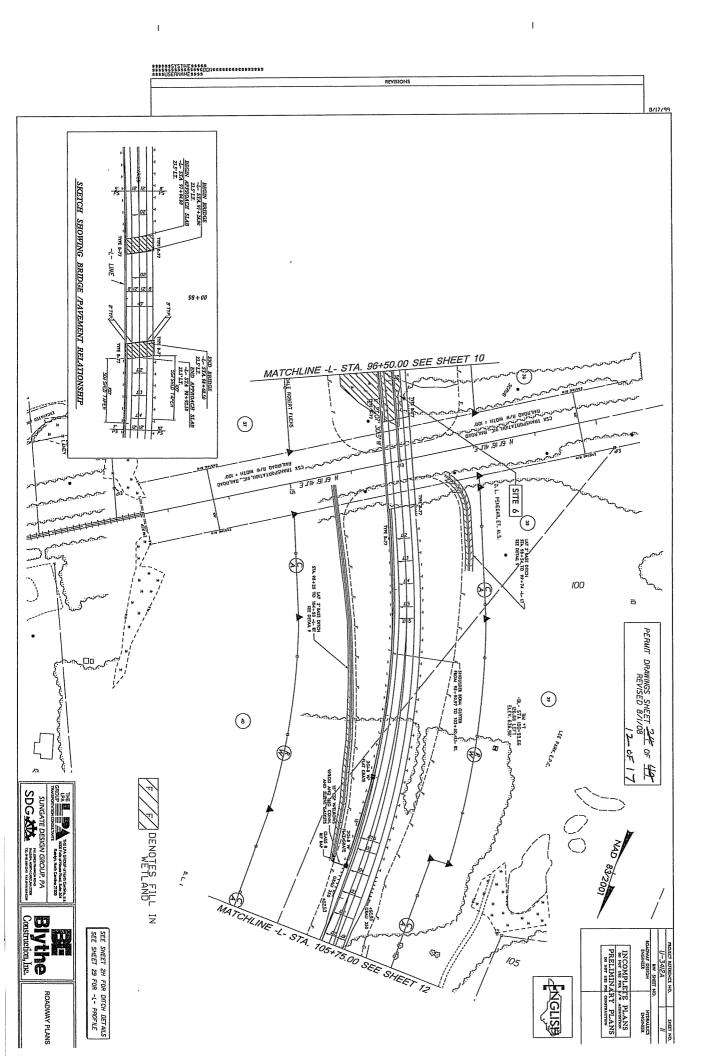












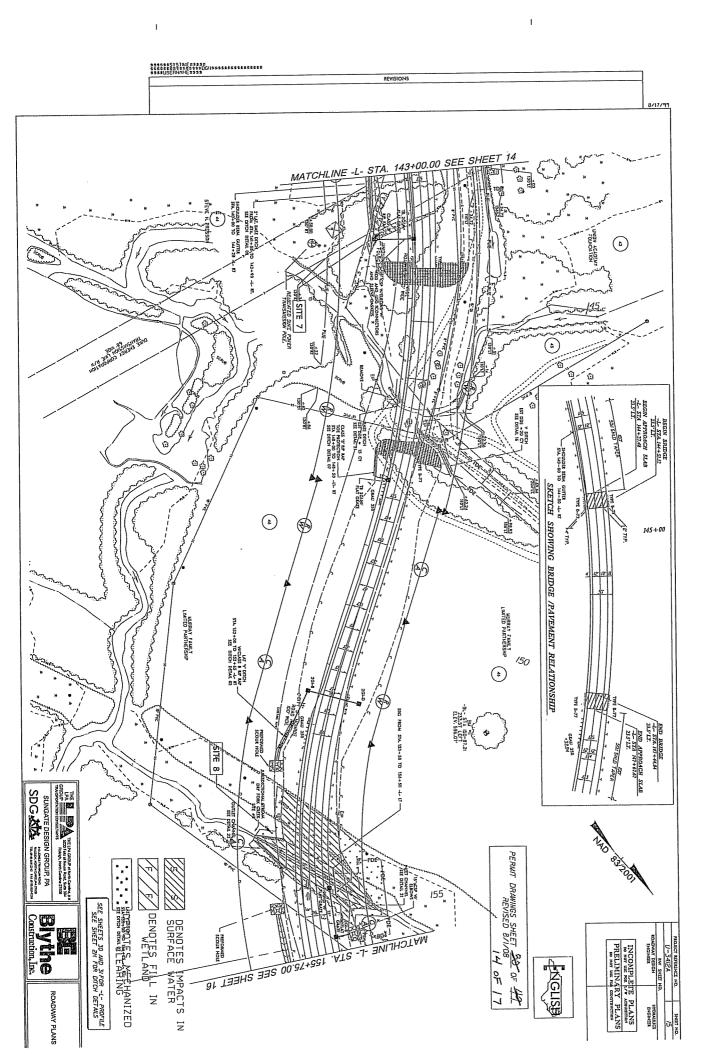
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